

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Case No.: 5:20-cv-00157-KDB-DCK

CURTIS EDWIN LEYSHON,

Plaintiff,

V.

Michael Duncan, individual and official capacity; B. Carlton Terry, individual and official capacity; Pam Barlow, individual and official capacity; and Matthew Levchuk, individual and official capacity,

Defendants.

**MOTION TO DISMISS ON  
BEHALF OF DEFENDANTS  
DUNCAN, TERRY, BARLOW  
AND LEVCHUK**  
(Fed. R. Civ. P. 12(b)(1) & (6))

NOW COMES Defendant Michael Duncan, Senior Resident Superior Court Judge for the 23<sup>rd</sup> Judicial District of North Carolina, B. Carlton Terry, District Court Judge, 22-B Judicial District of North Carolina, Pam Barlow, Clerk of Superior Court for Ashe County, North Carolina, and Matthew Levchuk, Assistant District Attorney for the 34<sup>th</sup> Prosecutorial District of North Carolina, by and through Special Deputy Attorney General Elizabeth Curran O'Brien, and respectfully moves the Court for entry of an Order dismissing all claims against them, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure as stated more fully in the memorandum of law filed contemporaneously herewith.

Respectfully submitted, this the 23<sup>rd</sup> day of November, 2020.

JOSHUA H. STEIN

Attorney General

/s/ Elizabeth Curran O'Brien

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*Counsel for Defendants Duncan, Terry,  
Barlow and Levchuk*

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the foregoing **MOTION TO DISMISS FILED ON BEHALF OF DEFENDANTS DUNCAN, TERRY, BARLOW AND LEVCHUK** with the Clerk of the court using the CM/ECF system which will send notification of such filing to the parties of record who participate in the CM/ECF system and placed a copy of the same in the U.S. Mail, postage-prepaid, addressed to the following individual:

Curtis Edwin Leyshon  
915 North Pine Run Road  
Boone, NC 28607  
*Pro Se Plaintiff*

This, the 23<sup>rd</sup> day of November, 2020.

/s/ Elizabeth Curran O'Brien  
Elizabeth Curran O'Brien  
Special Deputy Attorney General  
N.C. Department of Justice